

House Bill 1052

By: Representatives Walker of the 107th, Collins of the 27th, Everson of the 106th, and Levitas of the 82nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 17-6-1.1 of the Official Code of Georgia Annotated, relating to
2 electronic pretrial release and monitoring programs for defendants, so as to clarify certain
3 provisions requiring a provider to act as surety for a bond when a person is released on
4 electronic pretrial release and monitoring; to define a term; to provide for punishment if false
5 information is given by a provider; to provide for related matters; to repeal conflicting laws;
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 17-6-1.1 of the Official Code of Georgia Annotated, relating to electronic
10 pretrial release and monitoring programs for defendants, is amended by revising subsection
11 (a), paragraph (2) of subsection (e), and subsection (j) and adding a new subsection (l), as
12 follows:

13 "(a) In addition to other methods of posting bail or as special condition of bond, a
14 defendant may be released from custody pending the trial of his or her case on the
15 condition that the defendant comply with the terms and conditions of an electronic pretrial
16 release and monitoring program which is administered by an approved provider pursuant
17 to subsection (j) of this Code section. The sheriff of a county may enter into agreements
18 with such approved providers. ~~A bonding company, bonding agent, or probation service~~
19 ~~provider may be a provider of such services."~~

20 "(2) Compliance with all requirements and conditions of the provider's electronic pretrial
21 release and monitoring program ~~provider;~~"

22 "(j) Any ~~person or corporation~~ provider approved by the chief judge of the court and the
23 sheriff ~~in their discretion~~ who meets the following minimum requirements may be
24 approved to provide electronic pretrial release and monitoring services if the provider:

- 25 (1) ~~The provider shall comply~~ Complies with all applicable federal, state, and local laws
 26 and all rules and regulations established by the chief judge and the sheriff in counties
 27 where the provider provides electronic pretrial release and monitoring services;
- 28 (2) ~~The provider shall provide~~ Provides the chief judge and the sheriff with the name of
 29 the provider, the name of an individual who shall serve as the contact person for the
 30 provider, and the telephone number of such contact person;
- 31 (3) ~~The provider shall promptly~~ Promptly, not later than three business days after such
 32 change, ~~notify~~ notifies the chief judge and sheriff of any changes in its address,
 33 ownership, or qualifications under this Code section; and
- 34 (4) ~~The provider shall provide~~ Provides simultaneous access to all records regarding all
 35 monitoring information, GPS tracking, home confinement, and victim protection
 36 regarding each person placed on electronic pretrial release and monitoring; ~~and~~
- 37 (5) ~~The provider shall act as surety for the bond."~~

38 "(1) As used in this Code section, the term 'provider' means a person, corporation, bonding
 39 company, bonding agent, or probation service provider who swears in an affidavit provided
 40 to the sheriff that it will act as surety for the bond for any person released on bail or as a
 41 special condition of bond on an electronic pretrial release monitoring program. Any person
 42 who knowingly provides false information in executing the affidavit required by this
 43 subsection commits the offense of false swearing within the meaning of Code Section
 44 16-10-71."

45 **SECTION 2.**

46 All laws and parts of laws in conflict with this Act are repealed.